HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 16956 of 1996

Dated: 21-11-2006

Between:

G.Venkata Ramana Raju

..... PETITIONER

AND

The District Collector,
Chittoor, Chittoor District and 28 others.

.....RESPONDENTS

HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 16956 of 1996

O R D E R:

This writ petition has been instituted seeking directions to restrain the unauthorized interference by the Mandal Revenue Officer, Kotha kota Mandal, Chittoor District in land of an extent of Ac.2.26 cents situated in Sy.No.665/2 of Gumma Samudram village of Kotha kota Mandal. Some ancillary reliefs are also sought for.

The writ petitioner has asserted his right to the property only on the basis that he has been in occupation of this particular piece of land right from 1925. But, however, there is no record to vouch safe such a plea.

But, however, the District Collector, Chittoor filed a detailed counter in the matter and after having traced the entire history of the previous litigation, had recorded that the lands in question have been classified originally as 'topu poramboke' and that the said classification of the land was changed to 'village site poramboke' on 02-09-1972. It has also been noted that there are 20 tamarind tress and 2 maddi tress covering the entire land in the said Sy.No.665/2 and consequently the land is not useful for agricultural purposes as no crop could be raised under the shade of such massive tress. The District Collector seems to have therefore, authorised the Sub-collector to assign the tamarind tress situated in the above said land to eligible schedule caste, schedule tribe and backward class beneficiaries so that, the usufruct of these trees alone can be utilized by the

beneficiaries. The counter affidavit further asserts that a notice in this regard has been published on 06-08-1996 by the Mandal Revenue Officer publishing the list of eligible beneficiaries for grant of these pattas. Since no objections have been received within the stipulated time of seven days and since the land itself is not useful for carrying out agricultural operations, pattas were delivered to 26 Dalits in the village and that they have been using the pattas for the purpose of carrying away the usufruct. Therefore, it is clear that the interference into the land either by the Mandal Revenue Officer or under his authority by the beneficiaries, who got themselves impleaded as unofficial respondents in this writ petition cannot be characterized or termed as unauthorized interference.

I, therefore, find no merit in this writ petition for granting the relief as prayed for.

The writ petition is accordingly dismissed. No costs.

_____

(NOOTY RAMAMOHANA RAO,J)

Date: 21-11-2006
KLP